IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1305 OF 2006

Rajeev Arvind Gandhi, aged about
39 years, and
Parag Arvind Gandhi, aged about
33 years,
Both Indian inhabitants, occupation
business, since in custody of
respondents, detained at Yerwada
Central Prison, Pune, through their
cousin Shri Sheetal Arun Shah : Petitioners

V/s.

Smt.Bharati Kuradhe & Ors. : Respondents

...

Mr.D.S.Chandanani i/b. M/s.Lexim Associates for the petitioners.

Mrs.S.D.Shinde, Addl. Public Prosecutor for the State.

...

CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JUNE 26, 2006.

P.C.

1. Rule, returnable forthwith.

Mrs.Shinde, learned Addl. Public Prosecutor waives service of rule for the State.

Heard by consent.

2. The petitioners have been asked to furnish bonds and as per the order at exh.‘D’, the condition that is imposed is that surety should be the Manager of Reserve Bank of India or State Bank. This condition is absolutely wrong and illegal. The second condition is that the surety should also be the Principal of a reputed college. That condition is also wrong. The order of respondent No.1 is, therefore, set aside.

3. The petitioners be released upon furnishing bounds of local residents who can fulfil other conditions regarding their financial liability.

4. The learned Special Execute Magistrate, respondent No.1, should make a note that in future, no such conditions should be imposed by her upon the parties in Chapter proceedings regarding furnishing of sureties.

5. The rule is made absolute in the above terms.

6. Office to communicate this order to the petitioners immediately.

D.G. DESHPANDE, J.

S.A. BOBDE, J.